

ANALYSIS

This ordinance amends Title 2- Administration of the Los Angeles County Code, relating to the Transitional Job Opportunities Preference Program to establish a purchasing and contracting preference for nonprofit organizations that provide transitional jobs to the long-term unemployed in the execution of their work under a purchase order or contract with the County of Los Angeles.

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BYG:plp

11/3/06 (Requested)

01/23/07 (Revised)

ORDINANCE NO. _____

An ordinance amending Title 2 - Administration of the Los Angeles County Code, relating to the Transitional Job Opportunities Preference Program.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 2.205 is hereby added to Title 2 – Administration of the Los Angeles County Code to read as follows:

Chapter 2.205

Transitional Job Opportunities Preference Program

SECTIONS:

- 2.205.010 Introduction.
- 2.205.020 Purpose.
- 2.205.030 Definitions.
- 2.205.040 Administration.
- 2.205.050 Certification.
- 2.205.060 Responsibilities and standards.
- 2.205.070 Exclusions.
- 2.205.080 Violations and sanctions.
- 2.205.090 Appeals for reconsideration of transitional employer certification.
- 2.205.100 Applicability.

2.205.010 Introduction.

The Board of Supervisors finds that it is of benefit to the County of Los Angeles to promote and facilitate transitional job opportunities for individuals who are homeless and other individuals who have been out of work for an extended period of time. Individuals who have not worked for an extended period of time face considerable barriers when trying to re-enter the workforce. Transitional employment provides people who are the hardest to employ with opportunities to develop job and social skills that are necessary to succeed in the workplace. Nonprofit businesses with transitional employment programs incur higher overhead costs than other businesses due to the need for increased supervision, counseling, and training of the hardest to employ. Therefore, such agencies are at a competitive disadvantage in obtaining County contracts, in which estimated cost is a significant factor.

2.205.020 Purpose.

The County of Los Angeles transitional job opportunities preference program is a race and gender-neutral program designed to establish a purchasing and contracting preference for nonprofit organizations which provide transitional jobs to the long-term unemployed in the execution of their work under a purchase order or contract with the County of Los Angeles. The transitional job opportunities preference program is designed to promote and foster inclusiveness and economic development, as well as ongoing evaluation to assure that all businesses, including nonprofit businesses that provide transitional employment services, are provided equal opportunities in county purchasing and contracting activities.

2.205.030 Definitions.

For the purpose of this chapter, the following words and phrases are defined and shall be construed as having the following meaning:

- A. "County" shall mean the County of Los Angeles or any public entities for which the board of supervisors is the governing body.
- B. "Department" shall mean the county department, entity, or organization responsible for the solicitation.
- C. "Contractor" shall mean any person, firm, corporation, partnership, or any combination thereof, which submits a bid or proposal or enters into a contract with the County of Los Angeles.
- D. "Homeless" shall mean a person sleeping in a place not meant for human habitation, or "residing" in an emergency shelter, transitional housing, or other supportive housing program.
- E. "Solicitation" shall mean the county's process to obtain bids or proposals for goods and services.
- F. "Supportive services" shall mean services including, but not limited to, counseling services, individual case management, pre-employment job readiness training, daily monitoring of participants while on the job, provision of unsubsidized competitive employment opportunities, and assistance in applying for, obtaining, and maintaining unsubsidized competitive employment.
- G. "Transitional employer" shall mean a nonprofit organization that provides transitional jobs for the long-term unemployed and has been certified as a transitional employer as provided in this chapter.

H. "Transitional job" shall mean short-term, wage-paying, subsidized employment that combines real work, skill development, and supportive services to help participants overcome barriers to employment and transition to unsubsidized competitive employment.

2.205.040 Administration.

The Chief Administrative Officer with the assistance of County Counsel, the Internal Service Department, and the Office of Affirmative Action Compliance, shall issue interpretations of the provisions of this chapter, and shall issue written instructions on the implementation and ongoing administration of this chapter. Such instructions may provide for the delegation of functions to other departments.

2.205.050 Certification.

Each department is responsible for certifying that a contractor is a transitional employer. A contractor shall qualify as a transitional employer, if all of the following are met:

A. The entity is, and has been such for three (3) years, a nonprofit organization recognized as tax exempt pursuant to section 501 (c)(3) of the Internal Revenue Code.

B. The entity shall set forth, under penalty of perjury, such information as requested by the county on either electronic or hard copy forms supplied by the county, and submit the necessary certification forms, along with its application form and three (3) most recent annual tax returns (Form 990 or Form 990-EZ) to the department with its bid response to the solicitation for which it is competing.

C. The entity must have been in operation for at least one year providing transitional jobs and the related supportive services to program participants.

D. The entity must also supply the following information as part of the certification process:

1. A profile of its program participants (e.g., homeless individuals, individuals with addictions, at-risk youth, etc.).
2. A description of the entity's program components designed to help program participants transition towards unsubsidized competitive employment, including a description of the supportive services offered to participants.
3. The number of participants in the program during the last calendar year.
4. Any other information requested by the department.

Each department shall certify transitional employers and maintain records of such certified businesses and their participation in county purchasing and contracting.

2.205.060 Responsibilities and standards.

A. In order to facilitate the participation of transitional employers in county purchases of goods and services, departments shall provide for transitional employer preferences in their purchase of goods and services where responsibility and quality are equal.

B. In solicitations where an award is to be made to the lowest responsible bidder meeting specifications, the preference to the transitional employer shall be five percent of the lowest responsible bidder meeting specifications, determined according to the instructions issued by the Chief Administrative Office.

C. In solicitations where an award is to be made to the highest scored proposer based on evaluation factors in addition to cost/price, the preference to the transitional employer shall be five percent of the cost/price component of the evaluation, determined according to the instructions issued by the Chief Administrative Office.

D. In order for a transitional employer to be eligible to claim the preference, the entity must request the preference in the solicitation response.

2.205.070 Exclusions.

The transitional job opportunities preference shall not be given for the following county contracts and purchases:

A. National contracts established for the purchase of services, equipment, and supplies for and by the National Association of Counties, U.S. Communities Government Purchasing Alliance, or any similar or related group purchasing organization.

B. A revolving fund (petty cash) purchase pursuant to the Los Angeles County Fiscal Manual, Section 4.40 or a successor provision.

C. A purchase card purchase pursuant to the Los Angeles County Purchasing Policy Manual, Section P-2810 or a successor provision.

D. A non-agreement purchase with a value of less than \$5,000.00 pursuant to the Los Angeles County Purchasing Policy Manual, Section A-03000 or a successor provision.

2.205.080 Violations and sanctions.

A. The information furnished by each solicitation respondent requesting a transitional job opportunities preference shall be under penalty of perjury.

B. No person or entity shall knowingly and with intent to defraud, fraudulently obtain, retain, attempt to obtain or retain, or aid another in fraudulently obtaining or retaining or attempting to obtain or retain certification as a transitional employer for the purpose of this chapter.

C. No person or entity shall willfully and knowingly make a false statement with the intent to defraud, whether by affidavit, report, or other representation, to a county official or employee for the purpose of influencing the certification or denial of certification of any entity as a transitional employer.

D. An entity which has obtained county certification as a transitional employer by reason of having furnished incorrect supporting information or by reason of having withheld information, and which knew, or should have known, the information furnished was incorrect or the information withheld was relevant to its request for certification, and which by reason of such certification has been awarded a contract to which it would not otherwise have been entitled, shall:

1. Pay to the county any difference between the contract amount and what the county's costs would have been if the contract had been properly awarded;

2. In addition to the amount described in subdivision 1 of subsection D of this section, be assessed a penalty in an amount of not more than 10 percent of the amount of the contract involved; and

3. Be subject to the provisions of Chapter 2.202 of the county code (Determinations of Contractor Non-responsibility and Contractor Debarment).

E. The above penalties shall also apply to any entity that has previously obtained proper certification, however, as a result of a change in its status would no longer be eligible for certification, and fails to notify the certifying department of this information prior to responding to a solicitation or accepting a contract award.

2.205.090 Appeals for reconsideration of transitional employer certification.

The certifying department will investigate any complaint of eligibility received by the county concerning the transitional job opportunities preference program.

2.205.100 Applicability.

This chapter shall apply to all solicitations issued 90 days after the effective date of the ordinance codified in this chapter.

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